

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	James K. Vanderveen	Art Unit:	2644
Serial No.:	09/814227	Examiner:	Laura A. Grier
Filed:	March 21, 2001	Docket No.:	2000P09010US01
Title:	MOUNTING ASSEMBLY FOR ACTIVE NOISE ATTENUATION SYSTEM		

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

This petition is in response to the Notice of Abandonment mailed May 5, 2006. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for the reply in the Office notice or action plus extensions of time actually obtained. **As will be described below, it is believed that the application has become abandoned due to a USPTO error.**

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

Adjustment date: 11/28/2006 CKHLOK
07/03/2006 INTEFSW 00000598 192179 09814227
01 FC:1453 1500.00 CR

1. Petition fee

- ☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m)).
- ☒ Please charge my Deposit Account No. 19-2179 in the amount of \$1500.00.
- ☒ The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.

2. Reply and/or fees:

- A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

- B. The issue and publication fees total of \$1,700.00

☒ Applicant respectfully petitions to take note that the Notice of Allowance and Fee Due dated December 21, 2005 was never received by Siemens. A search of our docket records indicates that the Office Communication was not received by Siemens. Attached is the following:

☒ A copy of the Siemens docket record where the nonreceived Office communication would have been entered had it been received. The missing docket record would have been between docket nos. 2001P87048WOUS due on June 14, 2006 and 2001P17894US01 due on July 4, 2006.

It is believed that the application is abandoned due to a USPTO error. Therefore it is respectfully requested that the petition fee be refunded.

☐ is enclosed herewith.

☒ Please charge my Deposit Account No. 19-2179 in the amount of \$ 1,700.00

☒ The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.


3. Terminal disclaimer with disclaimer fee:

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith.
- ☐ Please charge my Deposit Account No. 19-2179 in the amount of _____.
- ☒ The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137 (b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

5. Fees: The Commissioner is hereby authorized to charge the above indicated fees and any additional fees that may be required to Deposit Account No. 19-2179. A duplicate of this paper is attached.

Respectfully submitted,



Pasquale Musacchio
Registration No. 36,876

Dated: JUNE 30, 2006

- Enclosures: ☒ Copy of Issue Fee Payment: PART B – FEE(S) TRANSMITTAL
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ COPY OF SIEMENS DOCKET RECORD

Please direct all correspondence to:
Customer No. 028524
Siemens Corporation

**UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231**

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>11/28/06</u>		2 Serial/Patent # <u>09/814,227</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
X	Petition	WFEE	06/30/06	\$ 1,500.00
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ 1,500.00
		8 TO BE REFUNDED BY:		
		Treasury Check		
		X	Credit Deposit A/C #:	
		9	1	9
			--	2
			1	7
			9	9
10 REASON:				
	Overpayment			
	Duplicate Payment			
X	No Fee Due (Explanation):			
Application was not abandoned.				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Sherry D. Brinkley</u>		TITLE: <u>Petitions Examiner</u>		
SIGNATURE: <u><i>Sherry D. Brinkley</i></u>		PHONE: <u>2-3204</u>		
OFFICE: <u>Petitions</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u><i>CKH</i></u>		DATE: <u>11/28/06</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: